

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 SCI-06 ACDA-19 CIAE-00 DODE-00 PM-07

INR-10 L-03 NSAE-00 NASA-04 NSC-10 RSC-01 AF-10

ARA-16 EA-11 EUR-25 NEA-10 PA-04 PRS-01 USIA-15 SPC-03

INT-08 SS-20 CCO-00 OTPE-00 EB-11 FCC-03 OC-06

COME-00 OIC-04 DRC-01 IOE-00 /223 W
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TO SECSTATE WASHDC PRIORITY 2850

C O N F I D E N T I A L USUN 638

E.O. 11652: GDS

TAGS: TSPA PFOR UN

SUBJ: OSC: REMOTE SENSING WORKING GROUP

REF: STATE 27866

1. TASK FORCE COMPLETED READING OF REPORT TO WORKING GROUP (WGRS) LATE FRIDAY, FEB 22 AND WGRS HELD FIRST MEETING MONDAY FEB 25. CHAIRMAN'S OPENING STATEMENT, WHICH REFERRED TO ORIGINAL WGRS MANDATE, REMINDED US THAT WGRS REPORT TO SCIENTIFIC AND TECHNICAL SUB-COMMITTEE, WILL COVER ERS ASPECTS BROADER THAN DISSEMINATION (INCLUDING SPACE SEGMENT). LEGAL QUESTIONS WILL PROBABLY BE THE MAIN FOCUS OF DISCUSSION.

2. USSR DELEGATION MADE STRONG PROPOSAL FOR DISCUSSION LEGAL ISSUES IN OPENING STATEMENT OF MONDAY'S SESSION. DESPITE SOME OLD LINE PROPAGANDA ABOUT POSSIBILITY ERS TECHNOLOGY WOULD BE EXPLOITED BY INTERNATIONAL MONOPOLY CAPITAL TO DETRIMENT OF DEVELOPING COUNTRIES, SOVIET STATEMENT DID NOT STRAY FAR FROM ITS FIVE LEGAL PRINCIPLES. HOWEVER, STATEMENT ALSO SPOKE OF OBLIGA-
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TION OF SENSING STATES, UNDER SUITABLE CIRCUMSTANCES,

TO NOTIFY STATES OVER WHICH SATELLITE IMAGERY WAS BEING TAKEN. THIS RESEMBLES ONE OF FRENCH "PRINCIPLES", AND QUITE PROBABLY REFLECTS SOVIET CONCERN WITH BRAZILIAN APPROACH TO ACQUISITION. SOVIET DELEGATE INDICATED WILLINGNESS TO DISCUSS ORGANIZATION QUESTIONS, BUT SAID THIS COULD NOT BE ADEQUATELY ADDRESSED WITHOUT UNDERSTANDING ON LEGAL PRINCIPLES. AS FOR MULTINATIONAL CENTERS, SOVDEL SAID THAT IN ABSENCE OF LARGE NETWORK OF NATIONAL CENTERS, USSR WOULD NOT OBJECT TO ESTABLISHMENT OF SMALL INTERNATIONAL CENTER FUNDED BY VOLUNTARY CONTRIBUTIONS, NOT FROM EXISTING UN FUND SOURCES. CENTER WOULD DISTRIBUTE CATALOGUES, NOT DATA, AND WOULD HAVE QUALIFIED STAFF FOR ASSISTANCE IN USE OF DATA.

3. FRENCH MADE BRIEF STATEMENT ON FRENCH PROGRAM WITHOUT DISCUSSION OF LEGAL PRINCIPLES.

4. INDIANS INSISTED DATA RELATED TO RESOURCES ESSENTIAL ELEMENT OF A STATE'S SOVEREIGN CONTROL AND SHOULD NOT BE SEPARATED FROM THE RESOURCES THEMSELVES.

5. JAFFE GAVE US STATEMENT AT MORNING SESSION AND HELD PRESS CONFERENCE EARLY AFTERNOON. QUESTIONS FOR MOST PART DID NOT APPEAR TO PROBE ISSUES VERY DEEPLY, BUT NEW YORK POSR REPORTER BEGAN HIS QUESTION BY CONTENDING THAT ERTS TECHNOLOGY WAS MAINLY A "RIP-OFF" DIRECTED AGAINST THE UNDERDEVELOPED COUNTRIES.

6. IT APPEARS TO US THAT THERE IS GROWING SENTIMENT TO SUPPORT AN EXTENSION OF THE WGRS' ACTIVITIES BEYOND THE PRESENT SESSION. SOVIET DELEGATES RECENTLY TOLD DEPTOFF THAT USSR WOULD PREFER TO HOLD DEBATE ON LEGAL ISSUES IN WGRS RATHER THAN LEGAL SUBCOMMITTEE (LSC). HE SAID CONSIDERATION OF LEGAL PRINCIPLES IN LSC COULD BE EXTENDED OVER PERIOD OF THREE TO FOUR YEARS, DURING WHICH TIME BRAZILIAN DRAFT COULD BECOME "MIDDLE GROUND." THIS REPRESENTS A SHIFT IN SOVIET PROCEDURAL APPROACH (AS REPORTED USUN 544) AS TO PREFERRED FORUM AND TO PROLONGING LIFE OF WGRS.

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7. QUESTION OF APPROPRIATE FORUM FOR CONTINUED DISCUSSIONS OF ERS LEGAL ISSUES WILL PROBABLY ARISE THIS WEEK. WITH REGARD TO OUR INSTRUCTIONS THIS MATTER (STATE 27866) WE THINK IT MAY BE DIFFICULT TO PREVENT FULL-SCALE DEBATE IN WGRS BY MERELY NOTING LSC'S COMPETENCE IN THIS AREA OR BY RESORTING TO OTHER TACTICAL MOVES. ONE APPROACH WE MIGHT TAKE IN WGRS IS TO STATE THAT AS MATTERS NOW STAND IT APPEARS TO US THAT PROPER

PLACE FOR DEBATE IS LSC, BUT ADD THAT IF CONSENSUS DEVELOPED IN PARENT OSC FOR HOLDING FURTHER DISCUSSIONS ON LEGAL PRINCIPLES IN WGRS, WE WOULD RAISE NO OBJECTION. THIS WOULD BE CONSISTENT WITH INDIAN SUGGESTION THAT WGRS RESEVE JUDGMENT ON QUESTION OF FORUM PENDING RESULTS OF LSC MEETING THIS SPRING. IF LSC MADE NO PROGRESS, OSC MIGHT THEN BE URGED TO DESIGNATE WGRS AS FORUM FOR DISCUSSION OF ERS LEGAL PRINCIPLES. DEPARTMENT COMMENTS INVITED.

8. SWEDES, NOTING DIVERGENT OPINIONS STATED BY SOVIET AND US DELEGATIONS, THOUGHT THAT SOME MIDDLE GROUND COULD BE FOUND BETWEEN SOVIET PRINCIPLES AND US POLICY AND THAT APPROACH TO ORGANIZATIONAL QUESTIONS MIGHT AFFORD MEANS TO THIS END. SWEDES ALSO SAID THAT ERTS IMAGERY ALREADY COVERED MOST OF THE EARTH'S SURFACE AND THAT DATA WERE NOW IN PUBLIC DOMAIN. THIS FACT SUGGESTED THAT AT LEAST SOME OF THE CONCERNS ABOUT SENSITIVE GEOLOGIC INFORMATION COULD NO LONGER BE MET SATISFACTORILY BY ANY LEGAL SYSTEM. WE THINK PRESENT SWEDISH EMPHASIS ON IMPORTANCE OF ORGANIZATIONAL QUESTIONS SHOULD BE ENCOURAGED BY US, FOR IT COULD RESULT IN FURTHER SWEDISH MOVES TO REMOVE SOME OF THE HEAT FROM THE LEGAL ISSUE IN WGRS. FOR THAT REASON WE PROPOSE TO PURSUE THE ORGANIZATIONAL AS OPPOSED TO THE LEGAL APPROACH AND, IF DEPARTMENT SEES NO OBJECTION, TO TELL SWEDES WE THINK THEIR ORGANIZATIONAL APPROACH COULD BE FRUITFUL AND THAT WE WOULD BE GLAD TO HOLD BILATERAL DISCUSSIONS ON ORGANIZATIONAL QUESTIONS BEFORE CONVENING OF SCIENTIFIC AND TECHNICAL SUBCOMMITTEE.

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